

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION**

**BRANDON DAVID GRISSETT,**

**Plaintiff,**

**v.**

**ANDREW DAVENPORT, UTAH  
DEPARTMENT OF PUBLIC SAFETY  
and UTAH HIGHWAY PATROL,**

**Defendants.**

**REPORT & RECOMMENDATION**

**Case No. 1:13-cv-00155**

**United States District Court Judge Clark  
Waddoups**

**Magistrate Judge Dustin Pead**

This matter was referred to Magistrate Judge Dustin Pead by District Judge Clark Waddoups pursuant to 28 U.S.C. §636(b)(1)(B) (doc. 6).

On November 7, 2013, Magistrate Judge Pead issued a Memorandum Decision and Order finding that Plaintiff Brandon David Grissett's (Plaintiff) Complaint failed to state a cause of action for a violation of 42 U.S.C. §1983 (doc.7) . Judge Pead, however, granted Plaintiff leave to file an Amended Complaint and correct the deficiencies of the original Complaint. Id. Plaintiff was given fourteen (14) days from the date of the Court's Order within which to do so. Id.

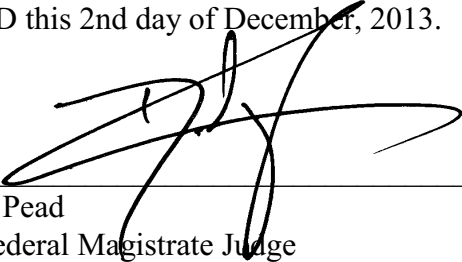
Upon review, Plaintiff has failed to file an amended pleading within the designated time frame. Accordingly, because Plaintiff is proceeding pursuant to 28 U.S.C. §1915, without prepayment of fees (doc. 2), the Court hereby recommends that the case be dismissed for "failure to state a claim on which relief may be granted." 28 U.S.C. § 1915(e)(2)(B)(ii).

### **RECOMMENDATION**

Based upon the foregoing, the Court recommends that Plaintiff's claim be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

Copies of the foregoing Report and Recommendation are being mailed to all parties who are hereby notified of their right to object. Any objection must be filed within 14 days after being served with a copy. *See*, Fed. R. Civ. P. 72(b)(2). Failure to object may constitute a waiver of objections upon subsequent review.

DATED this 2nd day of December, 2013.



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Dustin Pead  
U.S. Federal Magistrate Judge